

Application  
Narrative  
Cash Transmittals  
Pre-Application  
Pre\_App Narrative  
Pre-App Cash Transmittal  
Development Standards



# Development Application



## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input checked="" type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input checked="" type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: The Goldwater

Property's Address: 4000 E. 4<sup>th</sup> St., Scottsdale, AZ

Property's Current Zoning District Designation: ~~D/RH~~ D/RH-ZDO

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>2008 Cordor Properties LLC</u>	Agent/Applicant: <u>Robert Ballard</u>
Company: <u>a Texas Limited Liability Company</u>	Company: <u>Goldwater Boulevard, LLC</u>
Address: <u>5718 Westheimer Road #2100</u>	Address: <del>15240 N. Clubgate Dr</del> <u>#109</u>
Phone: <u>713.800.9712</u> Fax: <u>—</u>	Phone: <u>480.203.8661</u> Fax: <u>480.502.3651</u>
E-mail: <u>gpenzell@arruth.com</u>	E-mail: <u>Candlewood@ME.com</u>
Designer: <u>3rd Story Architecture</u>	Engineer: <u>Roger Glessner</u>
Company: <u>Rick Dougherty</u>	Company: <u>ACE Solutions</u>
Address: <u>16074 N. 78<sup>th</sup> St. - 2nd Floor</u>	Address: <u>609 Calgary Court #7, Post Falls, ID</u>
Phone: <u>480.607.3887</u> Fax: <u>480.626.5138</u>	Phone: <u>208.777.1854</u> Fax: <u>85554</u>
E-mail: <u>RICK@3rdstory.com</u>	E-mail: <u>roger.g@ACEsolutions.Pro</u>

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.: 421-PA-2017

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)



# Development Application

## Review Methodologies



### Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

#### **1. Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

#### **2. Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

#### **Note:**

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

#### **Planning and Development Services**

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# Development Application

## Arizona Revised Statutes Notice



### §9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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(4) (7)

## **The Goldwater**

### **Narrative for Abandonment of a Portion of Fourth Street**

#### **Proposal**

The proposal is for the abandonment of a portion of the Fourth Street right-of-way in a short cul-de-sac east of 70<sup>th</sup> Street in the southwest quadrant of the Downtown area. The proposed abandonment would be a 10-foot wide strip on the north side of the street between 70<sup>th</sup> Street and a cul-de-sac bubble roughly 180 feet long. The total area of abandonment is just under 1,700 square feet, which would be a nominal 3% increase in the net area of the site.

The purpose of the abandonment is to facilitate reasonable circulation and orientation of parking areas, particularly below grade. The useable portion of the overall development site is basically a triangular shaped area with curved sides. This creates an inefficient area for providing vehicular circulation and parking access. The abandonment allows for reasonable on-site circulation and a more effective use of the site.

There are only three parcel that access this short segment of street, the subject property on the north side and a small townhouse neighborhood and small office on the south side. There is no potential of the street ever extending further to the east and connecting with any other street.

#### **History**

Regarding the Fourth Street right-of-way, there have been numerous actions taken over an extended period of time. The south half was dedicated by the Orange Acres Subdivision in June of 1945. Prior to this action, the street existed as an un-dedicated roadway. The north half, although being used previously as a road, was dedicated by the Scottsdale Unified School District to the City of Scottsdale in January of 1969. For a portion of the late 1950s and early 1960s the post office for Scottsdale was located just southeast of the current site, therefore School Road (later 4<sup>th</sup> Street) was a regularly traveled street.

The abandonment which lead to the current cul-de-sac configuration was done through case 1-AB-1994 and recorded in October of 1994. This was done by the city as part of an overall re-positioning of the former Loloma School property for future development. The primary goal at the time was to establish the right-of-way for the Goldwater Blvd. couplet roadway.

The precise configuration of 4<sup>th</sup> Street was created as a specific dedication with the recording of the Loloma II subdivision plat (a one lot subdivision) in October of 2002. The subject property was sold by the City of Scottsdale in October of 2003.

#### **Context**

This street is not identified on the General Plan or specifically on any other plans and serves only local transportation purposes.



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# Request To Submit Concurrent Development Applications

## Acknowledgment and Agreement

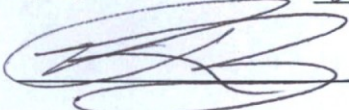


The City of Scottsdale recognizes that a property owner may desire to submit concurrent development applications for separate purposes where one or more of the development applications are related to another development application. City Staff may agree to process concurrently where one or more the development applications related to the approval of another development application upon receipt of a complete form signed by the property owner.

Development Application Types		
Please check the appropriate box of the types of applications that you are requesting to submit concurrently		
Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input checked="" type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input checked="" type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Owner: 2008 Condo Properties, LLC a Texas LLC  
Company: \_\_\_\_\_  
Address: 5718 Weathermer, Ste 2100 Houston TX  
Phone: 713.800.9712 Fax: \_\_\_\_\_  
E-mail: J. Penzell

As the property owner, by providing my signature below, I acknowledge and agree: 1) that the concurrent development applications are processed at the property owner's risk; 2) to hold the City harmless of all cost, expense, claims, or other liability arising in connection with the concurrent development applications; 3) to the City of Scottsdale's Substantive Policy Statement pertaining to Concurrent Applications; 4) to placing a development application on hold in order to continue processing a concurrent development application that is related to an another development application; and 5) that upon completion of the City review(s) of the development applications, one or more of the development application(s) may not be approved.

Property owner (Print Name): Robert A. Ballard Title: Auth. Agent  
 Signature Date: 3.22.18

### Official Use Only:

Request: ☐ Approved or ☐ Denied

Staff Name (Print): \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

Date: \_\_\_\_\_

### Planning and Development Services

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# Affidavit of Authority to Act as the Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 7000 E. 4<sup>th</sup> St.
- b. County Tax Assessor's Parcel Number: APN - 130-13-129
- c. General Location: SE Cor. 70<sup>th</sup> St. & Goldwater Blvd.
- d. Parcel Size: 1.19 Ac.
- e. Legal Description: See Attached Legal Description

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Date

Signature

\_\_\_\_\_

\_\_\_\_\_, 20\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, 20\_\_

\_\_\_\_\_

Robert A. Ballard

1.15., 2018

[Signature]

\_\_\_\_\_

\_\_\_\_\_, 20\_\_

\_\_\_\_\_

## Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



From: Gary Penzell gpenzell@arruth.com  
Subject: Re: Zoning Authority Letter  
Date: January 16, 2018 at 9:38 AM  
To: ROBERT BALLARD candlewood@me.com  
Cc: Madeleine Ferris mferris@arruth.com, Geoffrey Turbow turbow@levrose.com



Mr. Ballard: The renderings are very impressive and we look forward to your continued successful work with the City. I have reviewed the attached affidavit and it does not appear that we have to sign it as long as you have our permission to sign it and proceed. Recognizing that we have not made any studies or inquiries and have no independent knowledge regarding the survey, traffic, storm water, neighborhood response, permits, legal documents, compliance with zoning, legal and/or any other matters or requirements, we do hereby authorize you, subject to the terms of our purchase and sale agreement, to sign the attached affidavit on behalf of the owner and proceed accordingly.

Gary M. Penzell  
Arruth Associates, LLC  
5718 Westheimer, Suite 2100  
Houston, TX 77057  
713.800.9712  
gpenzell@arruth.com

On 1/15/2018 3:33 PM, ROBERT BALLARD wrote:

Dear Mr. Penzell,

Next week we intend to file the final request for zoning processing. Traffic Study, ALTA survey, storm water report, neighborhood meetings and meetings with Council/Mayor/Planning/Zoning Comm. are completed and all signs indicate success. We have located our financial resources and have executed agreements with them. The new venture will be known as Goldwater Condominiums, L.L.C.

In order for us to submit for final request for zoning we will need your authority to formally file the application. Please find enclosed the form required by the City which the owner gives us authority to submit the planning effort for zoning. Also attached is the ALTA survey for the property with legal description.

Prompt attention to execution will be greatly appreciated. Also attached are rendered plans and site/plate diagrams

Cordially,

Robert Ballard

[Three empty rectangular boxes for signature or stamp]